

**Notice of Allowability**

Application No.

09/820,006

Examiner

Gregory J. Vaughn

Applicant(s)

KOMATSU, YOSHIKI

Art Unit

2178

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The after final amendment filed on 9/20/2006.
2. ☒ The allowed claim(s) is/are 5 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## REASONS FOR ALLOWANCE

### *Action Background*

1. This action is responsive to the Amendment After Final Rejection, filed on 9/20/2006.
2. Applicant has cancelled claims 1-4, 6-11 and 13-23, and amended claims 5 and 12.
3. Claims 5 and 12 are pending in the case, claims 5 and 12 are independent claims.
4. Applicant has amended claims 5 and 12 in response to the allowable subject matter indication in the previous office action (dated 4/6/2006). As this amendment places the application in condition for allowance, the finality of the previous Office Action (dated 4/6/2006) has been withdrawn.
5. The examiner's rejection of claims 1-10, 12-18 and 20-23, made under 35 USC 103(a), as being unpatentable over Moran et al., US Patent 5,717,869, in view of Oberteuffer et al., US Patent 6,438,523 is withdrawn in view of the canceled or amended claims.
6. The examiner's objection of claims 11 and 19 is withdrawn in view of applicant's amendment.

***Reasons for Allowance***

7. The following is an examiner's statement of reasons for allowance:

**Regarding independent claim 5 and 12**, the prior art of record neither anticipates nor suggests to a person of ordinary skill, at the time the invention was made, the claimed apparatus for synchronizing the recording and playback of sound, time and position data using a hand held selection device coupled with an input area device, where the selecting device selects a position between first and second areas on the input area device, where the first and second areas correspond to previously recorded data, and when the first area cannot be found, the sound data playback device calculates the playback start time by finding the distance ratio between a segment from the playback-designated coordinate data to coordinate data of a nearest position on an edge of the input area included in the first area and a segment from the playback-designated coordinate data to coordinate data of a predetermined position in the writing information unit included in the second area and by calculating a time by dividing a time that is between a time that the sound data storing was instructed and the input time of the writing information unit in the second area based on the distance ratio.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
Patent Examiner  
September 20, 2006

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER